

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

MARIJA PAUNOVIC and DUSAN  
PAUNOVIC, individually and on  
behalf of all others similarly situated,

Plaintiffs,

v.

OBI SEAFOODS LLC and OCEAN  
BEAUTY SEAFOODS LLC,

Defendants.

CASE NO. C21-884 MJP

ORDER GRANTING PLAINTIFFS'  
MOTION FOR PRELIMINARY  
APPROVAL OF CLASS ACTION  
SETTLEMENT

This matter comes before the Court on Plaintiffs' Motion for Preliminary Approval of Class Action Settlement. (Dkt. No. 228.) Having reviewed the Motion, Defendants' Response (Dkt. No. 231), the Reply (Dkt. No. 233), and all supporting materials, the Court GRANTS the Motion and PRELIMINARILY APPROVES the class action settlement. The Court ORDERS as follows:

1           1.       Unless otherwise provided herein, all capitalized terms in this Order have the  
2 same meaning as set forth in the Settlement Agreement (Ex. 2 to the Supplemental Declaration  
3 of Toby Marshall (Dkt. No. 234).)

4           2.       The Court previously appointed Plaintiffs Marija Paunovic and Dusan Paunovic  
5 to represent the Classes and FLSA Collective and now appoints them Settlement Class  
6 Representatives for purposes of the settlement.

7           3.       The Court preliminarily approves the Settlement Agreement. The Settlement  
8 Agreement appears to be the result of informed and arm's-length negotiations between  
9 experienced attorneys who are well versed in the legal and factual issues of the case. The Court  
10 also finds that the Settlement Agreement appears to be fair, reasonable, and adequate.

11          4.       The Court approves the form and content of the Class Notice substantially in the  
12 forms attached as Exhibit A to the Declaration of Derek Bishop (Dkt. No. 232-1). The Settlement  
13 Administrator shall comply with the notice requirements set forth in the Agreement. By no later  
14 than July 22, 2024, the Settlement Administrator shall cause notice to be delivered in the manner  
15 set forth in the Agreement to all Settlement Class Members who have been identified by the  
16 Parties' counsel. Class Notices sent by mail shall be substantially in the form attached as Exhibit  
17 A to the Bishop Declaration.

18          5.       The Court appoints Settlement Services, Inc. (SSI) as the Settlement  
19 Administrator, which shall fulfill the Settlement Administration functions, duties, and  
20 responsibilities of the Settlement Administrator as set forth in the Agreement and this Order. The  
21 costs of Settlement Administration shall be paid from the Settlement Fund, up to \$35,000. If SSI  
22 is unable to serve as the Settlement Administrator, the Parties must promptly seek leave of Court  
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1 to substitute a different administrator and identify those deadlines that may need to be re-set to  
2 ensure timely and adequate notice to the Settlement Class Members.

3         6.       The Court finds that the Settlement Notice (Bishop Decl. Ex. A) and the manner  
4 of its dissemination described in the Settlement Agreement constitutes the best practicable notice  
5 under the circumstances and is reasonably calculated, under all the circumstances, to apprise  
6 Settlement Class Members of the pendency of this action, the terms of the Agreement, and their  
7 right to file a request for exclusion (if not already members of the Collective) or to object to the  
8 settlement and appear at the final approval hearing. The Court finds that the notice is reasonable,  
9 that it constitutes due, adequate, and sufficient notice to all persons entitled to receive notice, and  
10 that it meets the requirements of due process, Fed. R. Civ. P. 23(c), and any other applicable  
11 laws.

12         7.       Settlement Class Members who wish to receive a payment from the Settlement  
13 Fund need not take any action to receive a payment.

14         8.       Settlement Class Members who are not members of the Collective and wish to  
15 exclude themselves from the Settlement must mail an exclusion request letter to the Settlement  
16 Administrator, postmarked by no later than September 7, 2024. To be valid, an exclusion request  
17 letter must include the information set forth in the Class Notice.

18         9.       Settlement Class Members who wish to object to the Settlement must submit their  
19 objection in writing to the Settlement Administrator, postmarked by no later than September 7,  
20 2024. Objecting Settlement Class Members must include the information set forth in the Class  
21 Notice. Any objection not timely made in the manner specified shall be waived and forever  
22 barred.

1           10. Any objecting Settlement Class Member who wishes to address the Court at the  
2 Final Approval Hearing must indicate his or her intent to do so in writing at the same time that  
3 the Settlement Class Member submits the objection and must identify any witnesses and  
4 documents that he or she intends to use or submit at the Final Approval Hearing. Any Class  
5 Member who does not timely deliver a written objection and notice of intention to appear by  
6 mail post-marked by September 7, 2024, in accordance with the requirements of this Order, shall  
7 not be permitted to object or appear at the Final Approval Hearing, except for good cause shown,  
8 and shall be bound by all proceedings, orders and judgments of the Court.

9           11. Class Counsel shall file their motion for final approval of the settlement and  
10 attorneys' fees and costs, together with all supporting documentation, by August 7, 2024 so that  
11 all Settlement Class Members will have sufficient information to decide whether to exclude  
12 themselves or object and, if applicable, to make an informed objection. Class Counsel's motion  
13 for attorneys' fees and costs shall be posted on the settlement website no later than one business  
14 day after filing.

15           12. The parties shall file any responses to objections to the Agreement or Plaintiffs'  
16 motion for final approval and attorneys' fees and costs, together with all supporting  
17 documentation, by no later than September 28, 2024.

18           13. A final approval hearing shall be held before this Court on October 29, 2024, at  
19 10:00 A.M., to determine whether the Agreement is fair, reasonable, and adequate and should be  
20 given final approval. The Court may postpone, adjourn, or continue the Final Approval Hearing  
21 without further notice to the Settlement Class. After the Final Approval Hearing, the Court may  
22 enter a Settlement Order and Final Judgment in accordance with the Agreement (the "Final  
23 Judgment"), which will adjudicate the rights of the Class with respect to the claims being settled.  
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1           14. All proceedings before the Court are stayed pending final approval of the  
2 settlement, except as may be necessary to implement the settlement or comply with the terms of  
3 the Agreement.

4           15. The Parties' Settlement Agreement indicates that Defendants intend to comply  
5 with the notice requirements of 28 U.S.C. § 1715. This statute requires Defendants to serve  
6 notice of the proposed class settlement "upon the appropriate State official of each State in which  
7 a class member resides and the appropriate Federal official[.]" 27 U.S.C. § 1715(b). This must be  
8 done "[n]ot later than 10 days after a proposed settlement of a class action is filed in court." Id.  
9 The contents of the notice is set forth in 28 U.S.C. § 1715(b). And "[a]n order giving final  
10 approval of a proposed settlement may not be issued earlier than 90 days after the later of the  
11 dates on which the appropriate Federal official and the appropriate State official are served with  
12 the notice required under subsection (b)." 28 U.S.C. § 1715(d). Consistent with this law, the  
13 Court ORDERS Defendants to serve notice as required by 28 U.S.C. § 1715(b) by no later than  
14 June 30, 2024—ten days from the filing of the class settlement. The Court notes that it has set the  
15 final fairness hearing more than 90 days from this deadline to allow for full compliance with 28  
16 U.S.C. § 1715(d). But the Court warns that Parties that it may decline to approve the settlement  
17 if the Parties fail to comply with this statute. Defendants must timely file on the Court's docket  
18 proof of the § 1715(b) service.

19           16. The Court summarizes the deadlines set forth in this Order:

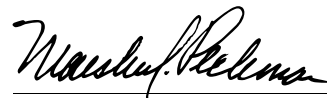
Action	Deadline
Deadline for service of notice by Defendants consistent with 28 U.S.C. § 1715(b):	June 30, 2024
Deadline by which Defendants must file proof of completed notice consistent with 28 U.S.C. § 1715(b):	July 12, 2024

1	Deadline for the Settlement Administrator to mail class notice:	July 22, 2024
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3	Deadline for Plaintiffs to file motion for final approval and attorneys' fees and costs:	August 7, 2024
4	Deadline for objections to the Settlement and to Opt-Out of the Settlement must be post-marked by:	September 7, 2024
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6	Deadline for responses to any objections:	September 28, 2024
7	Final approval hearing:	October 29, 2024 at 10:00 AM

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9 The clerk is ordered to provide copies of this order to all counsel.

10 Dated June 21, 2024.

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12 Marsha J. Pechman  
13 United States Senior District Judge  
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